
(2008) 07 MAD CK 0063

In the Madras High Court

Case No : Writ Petition No. 28115 of 2006 O.A. No. 4611 of 1996

A. Chandrasekaran and Others

APPELLANT

Vs

The Director of Rural Development and Others

RESPONDENT

Date of Decision : 21-07-2008

Acts Referred:

Citation : (2008) 07 MAD CK 0063

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : V. Suthakar, for the Appellant; T. Seenivasan, Additional Government Pleader for R1 and R2, for the Respondent

Judgement

M. Jaichandren, J.—Heard the learned Counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the first and second respondents.

2. It is stated that the petitioners are working as Deputy Block Development Officers in the Panchayat Union at Dharmapuri District. The District Collector, Dharmapuri, had assigned the seniority of the petitioners, as well as the seniority of the respondents 3 to 7, in the cadre of Extension Officers. In G.O. Ms. No. 587, Rural Development and Local Administration, dated 12.4.84, the Government of Tamilnadu had issued special rules for the Tamilnadu Panchayat Development Subordinate Service, which prescribes certain qualifications for appointment to the post of Deputy Block Development Officer. The next avenue for promotion from the post of Extension Officer is that of Deputy Block Development Officer. The petitioners had come into the zone of consideration for promotion to the post of Deputy Block Development Officer, during the year 1994. However, the respondents had prepared a panel for the post of Deputy Block Development Officer (Extension), as on 1.3.94, by an order in Roc. 76755/94/K1, without including the names of the petitioners in the said panel, only on the ground that they had not acquired the service qualifications prescribed in G.O. Ms. No. 587, Rural Development and Local Administration,

dated 12.4.84. The delay caused by the respondents in issuing the posting orders to the petitioners, to enable them to acquire the necessary service qualifications, should not prejudice the interest of the petitioners while they were being considered for promotion to the post of Deputy Block Development Officer. The petitioners had preferred an appeal to the respondents to include their names in the panel for the post of Deputy Block Development Officer, as on 1.3.94, even though they had not completed 12 months in the category of Extension Officer (Panchayat). By the proceedings, in R.Dis.70755/94/K1, dated 31.12.94, the District Collector, Dharmapuri, had rejected the petition preferred by the petitioners stating that the list, dated 15.9.94, had been prepared only as per the rules in force. Therefore, the petitioners have preferred an appeal to the Director of Rural Development, the first respondent herein, stating that the petitioners ought to have been promoted as Deputy Block Development Officers, in spite of their lack of service qualifications. No order was passed by the first respondent in the appeal preferred by the petitioners. While so, the second respondent was granting promotions to the respondents 3 to 7, without considering the claims made by the petitioners. In such circumstances, the petitioners have filed an original application before the Tamilnadu Administrative Tribunal in O.A. No. 4611 of 1996, which has been transferred to this Court and re-numbered as W.P. No. 28115 of 2006.

3. In the reply affidavit filed on behalf of the respondents, the claims made by the petitioners have been denied. It has been stated that a proposal was made for preparing a panel for the post of Deputy Block Development Officer, as on 1.3.94, from amongst the 33 Extension Officers in Dharmapuri District, for the year 1994. The next avenue for promotion from the post of Extension Officer is the post of Deputy Block Development Officer. The requisite service qualifications for inclusion in the panel for the post of Deputy Block Development Officer have been prescribed in G.O. Ms. No. 585, Rural Development and Local Administration Department, dated 12.4.84, wherein, it has been stated that an Extension Officer must have served atleast one year in each of the three categories of Extension Officers before the crucial date for the drawing of the panel. As per G.O. Ms. No. 16, Rural Development Department, dated 18.1.93, it has been clearly stated that no Extension Officer should be promoted as Deputy Block Development Officer, unless he has acquired all the necessary qualifications in the Extension Officer level. According to the said Government Order, the names of ten Extension officers were included in the panel for promotion to the post of Deputy Block Development Officer, as on 1.3.94, and they were promoted as Deputy Block Development Officer, as those Extension Officers had completed one year of service in each of the three categories of Extension Officers. The names of the seniors, who have not completed one year of service in each of the three categories of Extension Officer's post, before 1.3.94, have not been included in the panel for the post of Deputy Block Development Officer. Therefore, since the petitioners had not been qualified, as on 1.3.94, in accordance with the qualifications prescribed by the relevant Government order,

their names have not been considered for promotion to the post of Deputy Block Development Officer, during the year 1994.

4. Though the learned Counsel appearing on behalf of the petitioners had admitted that an Extension Officer has to acquire the qualifications prescribed in G.O. Ms. No. 587, Rural development and Local Administration Department, dated 12.4.84, before being considered for promotion to the post of Deputy Block Development Officer, he had stated that the petitioners could not acquire the qualifications prescribed by the said Government Order, only due to the fact that they have not been given the necessary posting orders by the first and the second respondents. The petitioners cannot be made to suffer due to the inaction of the first and the second respondents. In such circumstances, it is not open to the second respondent to promote the respondents 3 to 7, overlooking the claims of the petitioners, who are seniors in service, as compared to the respondents 3 to 7.

5. The learned counsel appearing on behalf of the petitioners had placed before this Court, an order, dated 9.10.2006, made in W.P. No. 18501 of 2006, and an order, dated 24.10.2007, made in W.P. No. 12362 of 2007, wherein, it has been held that the petitioners were entitled to be included in the panel for promotion to the post of Deputy Block Development Officer, along with the others who had acquired the qualifications prescribed in G.O. Ms. No. 585, Rural development and Local Administration Department, dated 12.4.84. Since the petitioners were not given a chance to acquire the necessary qualifications, due to the delay caused by the first and the second respondents, in giving them the appropriate postings, it cannot be a handicap for the petitioners for being considered for promotion to the post of Deputy Block Development Officer.

6. The learned Counsel appearing on behalf of the first and second respondents had not refuted the statements made on behalf of the petitioners.

7. In such circumstances, this Court is of the considered view that the petitioners ought to have been considered for being included in the panel for promotion to the post of Deputy Block Development Officer, along with the respondents 3 to 7, in the panel prepared for the year 1994, in view of the orders passed by this Court, cited *supra*. However, due to the fact that all the petitioners have attained the age of superannuation, the first and the second respondents are directed to pass appropriate orders, calculating the monetary benefits that would have accrued to them, if they had been considered for such promotion, from the year 1994, as in the case of the respondents 3 to 7 and to disburse the amounts due to them, based on such calculation, within a period of twelve weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions No costs.